

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

GILDA L. PATTERSON

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security

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NO. 2:07-CV-10

REPORT AND RECOMMENDATION

Plaintiff has filed a Motion [Doc. 21] for attorney fees of \$1,474.90 under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A). Counsel for the defendant Commissioner does not dispute the amount sought, but correctly points out that counsel for the plaintiff apparently did not utilize the formula established in *Cook v. Barnhart*, Case No. 3:00-CV-567 (E.D. Tenn. Jan. 14, 2003), a copy of which is attached to the defendant's response [Doc. 23]. If the *Cook v. Barnhart* formula had been utilized, the defendant asserts that the plaintiff's counsel would be entitled to a slightly higher fee. Since there is no disagreement over the propriety of the amount sought, it is RECOMMENDED that the Motion be granted, and that plaintiff's counsel receive a fee of \$1,474.90. It is also recommended that plaintiff's counsel utilize the *Cook v. Barnhart* formula in future calculations for EAJA fee requests.¹

SO ORDERED:

s/ Dennis H. Inman
United States Magistrate Judge

¹Any objections to this report and recommendation must be filed within ten (10) days of its service or further appeal will be waived. Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947-950 (6th Cir. 1981); 28 U.S.C. § 636(b)(1)(B) and (C).